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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,689	11/13/2001	Harry V. Weber	WBE-1	5262
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EXAMINER				
DASS, HARISH T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/054,689

Applicant(s)

WEBER, HARRY V.

Examiner

Harish T. Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13, 15, 17, 19-25, 56, 57 and 59-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15, 17, 19-25, 56-57, 59-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/18/2008 has been entered.

This office action is in response to applicant's communication of 3/18/2008. Applicant's Declaration under 37 CFR 1.132 is entered and been considered, but it does not place the application for condition for allowance, see below.

2. Status of claims:

Claims 1-10, 14, 16, 18, 26-55, 58 are canceled.

Claims 11-13, 15, 17, 19-25, 56-57, 59-66 (60-66 new claims) are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The claims 11-13, 15, 17, 19-25, 56-57, 59-66 are directed to non-statutory subject matter. Patent statute does not allow patents to be issued on particular business systems and method that depend for their operation on human intelligence alone.

In case of claim 11 and its dependent claims (12-13, 15, 17, 19-25, 56-57, 59), web-based application for providing a multilevel financial aid system featuring integrated and automated on-line financial aid features specific to a given educational institution to a user is unpatentable as directed to nonstatutory subject matter under 35 U.S.C. §101, and the claimed invention does not fall within one of the four statutory categories (Computer per se). Since mental processes standing alone are not patentable, even if they have practical applications. The claim 11, at issue does not use of machine and does not describe process of manufacture or process for alteration of composition of matter, and since claim instead cover use of mental processes to solve the step of determining financial product to purchase and purchasing amount for maximizing objective function on the basis of input data, and thus seek to patent use of human intelligence in and of itself. Ref: In re Comiskey, 84 USPQ2d 1670(Fed. Cir.2007).

In case of claim 60 and its dependent claim (61-66), web-based application, for providing a multi-level financial aid system featuring integrated and automated on-line financial aid features specific to a given educational institution is unpatentable as directed to nonstatutory subject matter under 35 U.S.C. §101, and the claimed invention

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does not fall within one of the four statutory categories. Since mental processes standing alone are not patentable, even if they have practical applications. The claim 60, at issue does not use of machine and does not describe process of manufacture or process for alteration of composition of matter, and since claim instead cover use of mental processes to solve the step of determining financial product to purchase and purchasing amount for maximizing objective function on the basis of input data, and thus seek to patent use of human intelligence in and of itself. Ref: In re Comiskey, 84 USPQ2d 1670(Fed. Cir.2007).

Claims 11 and 60 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The claimed invention does not produce a tangible result, it simply describes list of services with out how the services are used and what they are used for, to provide a tangible and concert result.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 11-13, 15, 17, 19-25, 56-57, 59-66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. Particularly, “specific to a given educational institution” is not in original specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-13, 15, 17, 19-25, 56-57, 59-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 and claim 60, beside being a descriptive material (computer per se), have missing steps for example, “a service for comparing”, where is the result of comparing and where the result is used? Similarly for other services with intended use “for” clauses, where the claims do not positively indicate the next step which uses the result of the service (do not claim any following functionality which uses the information). The claimed language has missing step which create gap in the process of the invention for concrete and tangible result.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

Claims 11-13, 15, 17, 19-25, 56-57, 59-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marybeth Regan (hereinafter Regan – “Utilizing the Internet in education”, College and University, Washington: Spring 2001 Vol. 76, Iss, 4; pg 37, 8pgs”) in view of Ireland et al. (hereinafter Ireland – US 7,062,462) and Norris (US 5,870,721) and Applicant's Admitted Prior Art (AAPA).

Re. Claim 11, Regan discloses a first information collection service for obtaining requested personal and financial information about a given student [pages 4 paragraph # 8 to page 5 paragraph # 2], Internet FTP for transferring files, a federal link service (see at least internet network to connect and link between student, professor ...; www.fafsa.ed.gov).

Regan does not explicitly disclose

a financial aid estimation service for evaluating the information obtained via said first information collection service and generating a predicted amount of monetary aid that may be available for the student to use for education-related expenses at a given educational institution;

receiving an electronic copy of an Institutional Student Information Report (ISIR) document for the given student;

a service for comparing information obtained via said first information collection service and the given student's ISIR document;

a service for determining an authorized amount of financial aid the given student is eligible for at the given educational institution; and

a service for providing an award notice to the given student based on the determination of authorized financial aid eligibility

However, Student loan/financial aid process, FAFSA and Institutional Student Information Report (ISIR) are well known elements and ISIR is send/received by schools electronically as well as paper copy. Further, are known means of file transfer (receiving/transmitting) using Internet FTP and computers, where FTP uses the address (link) of the web-server to receive/transmit files (documents, reports, etc), batch programming and telnet for automation of computer processing and viewing documents.

Ireland discloses a financial aid estimation service; generating a predicted amount of monetary aid that may be available for the student to use for education-related expenses at a given educational institution; and a service for providing an award notice to the given student based on the determination of authorized financial aid eligibility [Figures 1-3; col. 15 lines 4-26; col. 7 lines 6-31, additionally see figures which have more information]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Regan and include a financial aid estimation service; generating a predicted amount of monetary aid that may be available for the student to use for education-related expenses at a given educational institution; and a service for providing an award notice to the given student based on the determination of authorized financial aid eligibility, as disclosed by Ireland, to provide an online student financial aid resource which allows the student/parent to

calculate the estimated cost of educational and available financial aid require for student to attend an educational institution.

AAPA discloses evaluating the information obtained via said first information collection service; a service for determining an authorized amount of financial aid the given student is eligible for at the given educational institution [page 1-3 (background)]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Regan and Ireland and include evaluating the information obtained via said first information collection service; a service for determining an authorized amount of financial aid the given student is eligible for at the given educational institution, as disclosed by AAPA, to provide a web-based student financial aid delivery and management system where the entire financial aid process is interactive and online for instantaneous Plus loan pre-approval, calculating college cost and post graduation budget planning.

Norris discloses receiving an electronic copy of loan document of borrower (analogous to an Institutional Student Information Report (ISIR) document for the given student); a service for comparing information obtained via said first information collection service (database - analogous service) and the given borrowers loan application/document (analogous to student's ISIR document) [See entire document particularly, abstract; Figure 1; col. 2 lines 17-34; col. 7 lines 55-65; claim 1 - comparing two documents for verification]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Regan, Ireland, and AAPA and include verification process, as disclosed by Norris, to provide a

borrower's data matching system to verify the borrower's identity against third party database for processing/approval of loan.

Re. Claim 12, Regan discloses wherein said web-based application further comprises a registration service for applying for and receiving a user identification element, and whereby said user identification element is utilized for obtaining future access to said web-based application, including various features and services thereof [see enrollment and online application].

Re. Claim 13, Regan discloses a second information collection service, for obtaining additionally requested information related to personal demographics, financial matters, and educational endeavors of a given student [see enrollment certification, inherent in enrollment process].

Re. Claim 13, Regan discloses a federal link service (www.fafsa.ed.gov) for electronically relaying federal aid eligibility information between the web based application and processing systems of selected government agencies, wherein one of said selected government agencies corresponds to the United States Department of Education [pages 4 paragraph # 8 to page 5 paragraph # 2].

Re. Claim 17, 19-25, and 55-59 Regan discloses federal aid link service provides links at the web-based system for directly connecting a user to a FAFSA on-line web-based

location and to an Ins on-line web-based location [page 4 paragraph 8]. Ireland discloses selected information obtained via said student file establishment service comprises information obtained via said first information collection service and said second information collection service, federal aid eligibility information obtained via said federal link service, and enrollment information about a given student obtained from an educational institution [col. 7 lines 10-30, 51-65; see database Figure 1], a file processing service for reviewing information collected about a given student via said file establishment service and for determining eligibility for various types of financial aid that are potentially available for a student, a loan application service for electronically relaying master promissory note (MPN) documentation between a system user and a loan guarantor, wherein said loan guarantor is characterized as one who provides monetary assistance to a student for education-related expenses, a reporting system service available to a user of the web-based application, for obtaining updated information about the financial aid system and progress involved with said file processing service thereof, a communications service for automatically generating and sending an electronic communication from a student or educational institution to a student financial aid processor, and wherein the user identification element received via said registration service is utilized as an electronic signature for affirming various statements presented in accordance with the multi-level financial aid system [see entire document particularly; col. 3 line 51 to col. 4 line 4; col. 6 line 55 to col. 7 line 65; col. 22 lines 7 to col. 23 line 28; claims 1-2]. Additionally, a service for obtaining a copy of an Institutional Student Information Report (ISIR) document for the given student, a service

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for obtaining enrollment verification information for the given student from one or more specified educational institutions, and wherein selected portions of the information obtained from said first information collection service, said service for obtaining a copy of an ISIR document and said service for obtaining enrollment verification information are reviewed by a financial aid processing center, a service for comparing information obtained via said first information collection service and the given student's ISIR document;

a service for determining what financial aid the given student is eligible for; and

a service for providing an award notice to the given student based on the determination of financial aid eligibility, and a service for determining whether the given student's corresponding information complies with federal regulatory standards for financial aid eligibility are inherent in Regan, Ireland and AAPA. Further, an integrated feature that automatically updates the web-based application, particularly updating information related to received documents and progress of financial aid processing is well-known specially software companies website such as Microsoft explores which automatically updates the website. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Regan, AAPA and Norris and include the disclosure of Ireland, as disclosed above, to provide a method and apparatus for students and parents with education financing information, online filing at reduce the costs for a school to transmit financial aid award packages to potential students and help student to apply timely for student aid and get the result/decision quickly using their computer.

Claims 60-66 are rejected with same rational as claim 11 and associated dependent claims (Regan in view of Ireland, AAPA and Norris).

Response to Arguments

8. Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

Student aid related web pages (2) are collection of assorted copy of web pages (prior art in area of financial aid) collected from different web-pages which show known elements in student financial aid and loan processing to overcome applicant's objection to official notice based on past experience.

File transfer protocol (FTP) example, show Perl program using ftp and example of Xmodem and FTP, to overcome applicant's objection to official notice if any, who may not know the files can be fetch/downloaded from/to remote serves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harish T Dass/
Primary Examiner, Art Unit 3692

6/8/2008